

NOTICE OF EMERGENCY RULE PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

TEXT OF RULE: DMR Regulation 96.14, Closed Area No. 100-D, Maine/New Hampshire Border, to Cape Small, Phippsburg.

Effective immediately, because of contamination (Paralytic Shellfish Poisoning), it shall be unlawful to dig, take or possess surf, or hen clams (*Spisula solidissima*) from the shores, flats and territorial waters between the Maine/New Hampshire border and the most southern point of land at Cape Small, Phippsburg.

EXCEPTION: Under the guidelines of DMR regulation Chapter 13.01 the waved whelk (*Buccinum undatum*) may be harvested from this area provided they are properly tagged at the time of harvest and processed within the State of Maine.

All DMR Regulations concerning closures of shellfish due to bacterial pollution are not affected by this emergency rule and will remain in full force and effect.

EFFECTIVE DATE: June 8, 2004

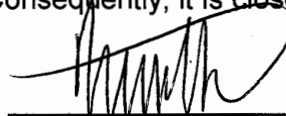
AGENCY CONTACT PERSON: Amy M. Fitzpatrick
Department of Marine Resources
194 McKown Point Road
West Boothbay Harbor, ME 04575

PORTLAND PRESS HERALD
June 12, 2004

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources adopts this emergency DMR Regulation 96.14, Closed Area No. 100-D, Maine/New Hampshire Border to Cape Small, Phippsburg to prevent the taking of surf, or hen clams (*Spisula solidissima*) from the shores, flats and territorial waters between the Maine/New Hampshire border and the most southern point of land at Cape Small, Phippsburg.

Department personnel have sampled the area and have determined that shellfish in this area contain dangerous levels of red tide toxin. Consequently, it is closed to protect the public health.



DAVID M. ETNIER
DEPUTY COMMISSIONER



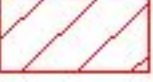
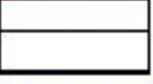

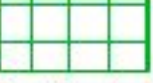

Maine Department of Marine Resources

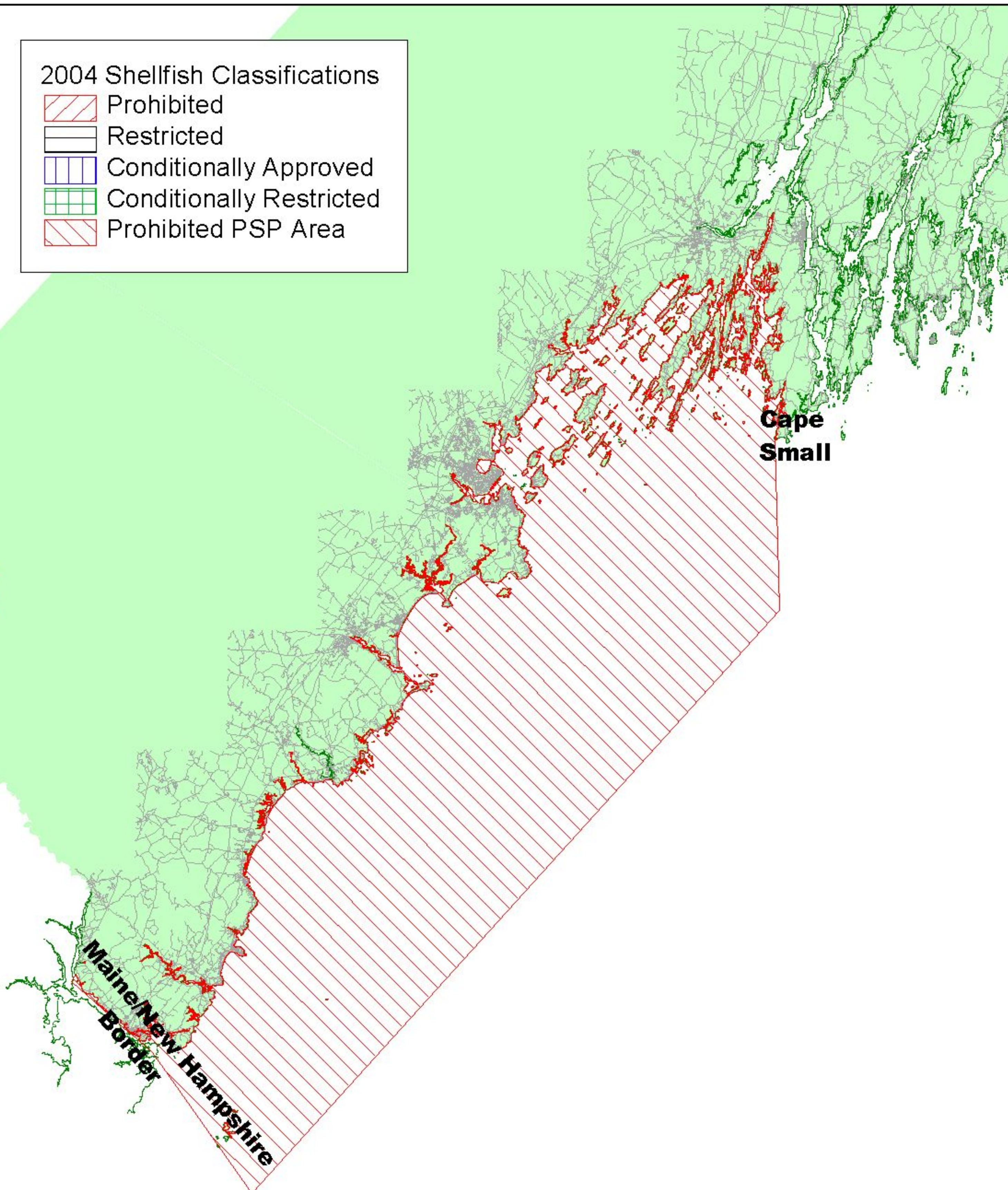
Legal Notice of PSP Shellfish Closure Area 100 D

6/8/04



2004 Shellfish Classifications

-  Prohibited
-  Restricted
-  Conditionally Approved
-  Conditionally Restricted
-  Prohibited PSP Area



Maine/New
Hampshire
Border

Cape
Small

10 0 10 20 Miles